

# Declaration and Power of Attorney for Patent Application

## 特許出願宣言書兼委任状

### Japanese Language Declaration

私は、下欄に氏名を記載した発明者として、以下のとおり宣言する：

私の住所、郵便宛先および国籍は、下欄に氏名に続いて記載したとおりであり、下記名称の発明に関し、特許請求の範囲に記載した特許を求める主題の本来の、最初にして唯一の発明者である（一人の氏名のみが下欄に記載されている場合）か、もしくは本来の、最初にして共同の発明者である（複数の氏名が下欄に記載されている場合）と信じ、

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR RECORDING OPTICAL INFORMATION, APPARATUS AND METHOD FOR REPRODUCING OPTICAL INFORMATION, APPARATUS FOR RECORDING/REPRODUCING OPTICAL INFORMATION, AND OPTICAL INFORMATION RECORDING MEDIUM

その明細書を  
(該当するものにチェック)

☐ ここに添付する。

☐ 年 月 日に

出願番号第 として提出され、

年 月 日に補正し、  
(該当する場合)

私は、前記のとおり補正した特許請求の範囲を含む前記明細書の内容を検討し、理解したことを陳述する。

私は、連邦施行規則第 37 章第 1 条第 56 項に従い、本願の特許性の有無について重要な情報を開示すべき義務を有することを認める。

私は、米国法第 35 章第 119 条に基づく下記の外国特許出願もしくは発明者証出願の外国優先権利益を主張し、さらに優先権の主張に係わる基礎出願の提出日前の提出日を有する外国特許出願もしくは発明者証出願および/もしくは米国仮出願を以下に明記する：

the specification of which  
(check one)

☒ is attached hereto.

☒ was filed on February 26, 1999 as

Application Serial No. PCT/JP99/00896

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and/or any U.S. provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior foreign and/or provisional applications  
先行外国出願/仮出願

Priority claimed  
優先権の主張

<u>10-46754</u> (Number/番号)	<u>Japan</u> (Country/国名)	<u>27/02/1998</u> (Day/Month/Year Filed/提出年月日)	<input checked="" type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)
<u>10-142321</u> (Number/番号)	<u>Japan</u> (Country/国名)	<u>08/05/1998</u> (Day/Month/Year Filed/提出年月日)	<input checked="" type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)
<u>10-142322</u> (Number/番号)	<u>Japan</u> (Country/国名)	<u>08/05/1998</u> (Day/Month/Year Filed/提出年月日)	<input checked="" type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)
<u>10-142323</u> (Number/番号)	<u>Japan</u> (Country/国名)	<u>08/05/1998</u> (Day/Month/Year Filed/提出年月日)	<input checked="" type="checkbox"/> (Yes/はい)	<input type="checkbox"/> (No/いいえ)

私は、米国法第 35 章第 120 条に基づく下記の米国特許出願の利益を主張し、本願の特許請求の範囲各項に記載の主題が米国法第 35 章第 112 条の第 1 段落に規定の態様で先の米国出願に開示されていない限度において、先の出願の提出日と本願の国内提出日もしくは PCT 国際出願提出日の間に公表された連邦施行規則第 37 章第 1 条第 56 項に記載の重要な情報を開示すべき義務を有することを認める。

I hereby claim the benefit under Title 35, United States code, §120 of any United States application(s) listed below and, in so far as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/JP99/00896  
(Application Serial No./出願番号)

February 26, 1999  
(Filing Date/提出日)

Pending  
(Status: Patented, Pending, abandoned/  
現状: 特許成立、係属中、放棄済み)

(Application Serial No./出願番号)

(Filing Date/提出日)

(Status: Patented, Pending, abandoned/  
現状: 特許成立、係属中、放棄済み)

私は、ここに自己の知識にもとづいて行った陳述がすべて真実であり、自己の有する情報および信ずるところに従って行った陳述が真実であると信じ、さらに故意に虚偽の陳述等を行った場合、米国法第 18 章第 1001 条により、罰金もしくは禁錮に処せられるか、またはこれらの刑が併科され、またかかる故意による虚偽の陳述が本願ないし本願に対して付与される特許の有効性を損なうことがあることを認識して、以上の陳述を行ったことを宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

004020-0001702-000400

委任状：私は下記発明者として、以下の代理人をここに選任し、本願の手續を遂行すること並びにこれに関する一切の行為を特許商標庁に対して行うことを委任する。（代理人氏名および登録番号を明記のこと）

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

9 James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;  
Kirk M. Hudson, Reg. No. 27,562; Thomas J. Pardini, Reg. No. 30,411;  
Edward P. Walker, Reg. No. 31,450; Robert A. Miller, Reg. No. 32,771;  
Mario A. Costantino, Reg. No. 33,565; Caroline D. Dennison, Reg. No. 34,494; and  
Stephen J. Roe, Reg. No. 34,463

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Direct Telephone Calls To (name and telephone number)/直通電話連絡先(名称および電話番号):

Full name of sole or first inventor/単独または第一発明者の氏名 <u>Hideyoshi HORIMAI</u>	
Inventor's signature/同発明者の署名 <u>Hideyoshi Horimai</u>	Date/日付 <u>July 27, 2000</u>
Residence/住所 <u>Shizuoka, Japan</u>	
Citizenship/国籍 <u>Japan</u>	
Post Office Address/郵便宛先 <u>Room 301, 2032-2, Ooka, Numazu-shi, Shizuoka 410-0022, Japan</u>	
Full name of second joint inventor (if any)/第二共同発明者の氏名(該当する場合)	
Second inventor's signature/第二発明者の署名	Date/日付
Residence/住所	
Citizenship/国籍	
Post Office Address/郵便宛先	

Supply similar information and signature for third and subsequent joint inventors.  
第三又はそれ以降の共同発明者に対しても同様な情報および署名を提供すること。

Applicant or Patentee: Hideyoshi HORIMAI

Application or Patent No.: \_\_\_\_\_ Attorney Docket No.: 106357

Filed or Issued: August 4, 2000

For: APPARATUS AND METHOD FOR RECORDING OPTICAL INFORMATION, APPARATUS  
AND METHOD FOR REPRODUCING OPTICAL INFORMATION, APPARATUS FOR  
RECORDING/REPRODUCING OPTICAL INFORMATION, AND OPTICAL INFORMATION  
STATEMENT CLAIMING SMALL ENTITY STATUS RECORDING MEDIUM  
(37 CFR 1.9(f) and 1.27(c))-SMALL BUSINESS CONCERN

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN OPTWARE CORPORATION

ADDRESS OF CONCERN 405, 22-23, Ebisu 1-chome, Shibuya-ku, Tokyo 150-0013, Japan

The above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: APPARATUS AND METHOD FOR RECORDING OPTICAL INFORMATION, APPARATUS AND METHOD FOR REPRODUCING OPTICAL INFORMATION, APPARATUS FOR RECORDING/REPRODUCING OPTICAL INFORMATION, AND OPTICAL INFORMATION RECORDING MEDIUM by inventor Hideyoshi HORIMAI described in:

- ☐ the specification filed herewith.  
☒ application no. PCT/JP99/00896, filed February 26, 1999.  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

TYPEWRITTEN NAME OF PERSON SIGNING Hideyoshi HORIMAI

TYPEWRITTEN ADDRESS OF PERSON SIGNING Room 301, 2032-2, Ooka, Numazu-shi,  
Shizuoka 410-0022, Japan

SIGNATURE Hideyoshi Horimai DATE: July 27, 2000